

HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.2116 of 1990

Date of decision : 21.02.2007

Ajaib Singh

.....Petitioner

versus

Punjab State Electricity Board, Patiala & Anr.

.....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : None for the petitioner

Ms.Shaibya Sood, Advocate for the respondents.

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ORDER

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned Executing Court dated 4.5.1990, whereby execution application was dismissed as satisfied.

The plaintiff-petitioner filed a suit for declaration to the effect that he is entitled to get his pay fixed in the pay scale of Rs.700-1200 at Rs.850/- and that the action of the defendants in with-holding the said pay scale and not allowing the plaintiff to cross efficiency bar, is illegal, null and void.

A decree for mandatory injunction was granted by the learned trial Court directing the defendants to fix the pay of the plaintiff in the pay scale of Rs.700-1200 w.e.f. 1.6.1979 and permit him to cross the efficiency bar and also grant him all the rights, benefits, privileges.

In pursuance of the said decree, Rs.14,728/- has been paid to the plaintiff towards the principal amount of the arrears of salary and allowances, but the plaintiff claims interest on the said amount.

The learned Executing Court declined the claim of interest of the plaintiff on the ground that the decree does not provide for any interest. Reliance was placed on a judgment of this Court, “*State of Punjab versus Radha Ram and another, 1989 (2) Recent Service Judgments-595.*”

The learned Executing Court while executing a decree has to go by the terms of the decree passed. Since there is no term of grant of interest in the decree passed, the petitioner cannot claim any interest in the execution proceedings. The Executing Court cannot travel beyond the terms of the decree.

Consequently, I do not find any illegality or irregularity in the order passed by the learned Executing Court, which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed.

February 21, 2007

**mohinder*

**(HEMANT GUPTA)
JUDGE**